

# Title 26 DEPARTMENT OF THE ENVIRONMENT

## Subtitle 11 AIR QUALITY

### Chapter 09 Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations

Authority: Environmental Article, §§1-404, 2-103 and 2-301—2-303, Annotated Code of Maryland

#### **.11 Control of Particulate Matter from Small Wood Boilers.**

##### *A. Applicability and Exemptions.*

(1) Except as provided in this regulation, the requirements of this regulation apply to a person who sells, offers for sale, supplies, distributes, manufactures, installs, operates, or causes to be operated a small wood boiler for use in the State.

(2) [The provisions of this regulation do not apply to a person who sells, offers for sale, installs, supplies, distributes, or manufactures for use a small wood boiler if the person demonstrates that the:

(a) Small wood boiler is intended for shipment and use outside of the State; and

(b) Person has taken reasonable prudent precautions to assure that the small wood boiler is not distributed to or within the State.] *A person who sells, offers for sale, supplies, distributes, manufactures, installs, operates, or causes to be operated a small wood boiler shall comply with the requirements of this regulation unless exempted under 40 CFR §60.5472(b), as amended.*

(3) *This regulation does not apply to boilers that are solely fueled by gas, oil, coal, or any combination thereof.*

##### **[B. Incorporation by Reference.**

(1) In this regulation, the following documents are incorporated by reference.

(2) Documents Incorporated.

(a) U.S. EPA Test Method 28 OWHH for Measurement of Particulate Emissions and Heating Efficiency of Outdoor Wood-Fired Hydronic Heating Appliances, revised March 16, 2007.

(b) ASTM Designation: ASTM E 2618—08 Standard Test Method for Measurement of Particulate Emissions and Heating Efficiency of Outdoor Solid Fuel-Fired Hydronic Heating Appliances, approved July 1, 2008.

(c) 40 CFR Part 60, Appendix A, Test Methods 1-5 and 40 CFR Part 51, Appendix M, Test Method 202.]

**[C.] B. Requirements for the Sale, Supply, Distribution, and Manufacture of Small Wood Boilers for use in the State.**

(1) Emission Standards. A person may not sell, offer for sale, supply, install, distribute, or manufacture for use in the State, a small wood boiler unless the following are met:

(a) [A particulate matter emissions standard of 0.6 pounds per million Btu heat input during the period commencing April 1, 2009 through March 31, 2010; and] *A particulate matter emission standard of 0.32 pounds per million Btu heat output (weighted average) and a maximum per individual burn rate of 0.041 pounds per hour as determined by test methods and procedures in 40 CFR §60.5476, as amended, or alternative crib wood or cord wood test method approved by the U.S. EPA; and*

(b) [A particulate matter emissions standard of 0.32 pounds per million Btu heat output commencing April 1, 2010.] *Beginning May 15, 2020, a particulate matter emission standard of:*

(i) *0.10 pounds per million Btu heat output as determined by the crib wood test methods and procedures in 40 CFR §60.5476, as amended, or an alternative crib wood test method approved by U.S. EPA; or*

(ii) *An alternative compliance emission standard of 0.15 pounds per million Btu heat output per individual burn rate as determined by the cord wood test methods and procedures in 40 CFR §60.5476, as amended, or an alternative cord wood test method approved by U.S. EPA.*

(2) Labeling Requirements.

[(a) After April 1, 2009, a person may not sell, offer for sale, supply, install, distribute, or manufacture for use in the State, a small wood boiler unless it has a permanent label that displays the following information:

(i) Month and year of manufacture;

(ii) Model number or name;

(iii) Serial number; *and*

(iv) Date of certification;

(v) Thermal output rating in million Btu per hour; and

(vi) Results of emissions standard testing for particulate matter in pounds per million Btu.

(b) After April 1, 2009, a person may not sell, offer for sale, supply, install, distribute, or manufacture for use in the State, a small wood boiler that does not have a permanent label that:

- (i) Is permanently affixed in a readily visible or accessible location;
- (ii) Is at least 3 1/2 inches long and 3 inches wide;
- (iii) Is made of a material expected to last the lifetime of the unit; and
- (iv) Displays information specified in §C(2)(a)(i)—(vi) of this regulation in a manner that will remain legible for the lifetime of the unit.]

(a) *A person may not sell, offer for sale, supply, install, distribute, or manufacture for use in the State, a small wood boiler unless it has a permanent label that:*

- (i) *Is permanently affixed in a readily visible or accessible location;*
- (ii) *Is at least 3 1/2 inches long and 2 inches wide;*
- (iii) *Is made of a material expected to last the lifetime of the unit; and*
- (iv) *Displays information specified in §B(2)(b)(i)—(iv) of this regulation in a manner that will remain legible for the lifetime of the unit; and*

(v) *Is affixed in such a manner that it cannot be removed without damage to the label.*

(b) *The permanent label shall display the following information:*

- (i) *Month and year of manufacture of the individual unit;*
- (ii) *Model number and name;*
- (iii) *Serial number; and*
- (iv) *Certification test emission value, test method, and standard met.*

(3) Certification.

[(a)] A person may not sell, offer for sale, supply, install, distribute, or manufacture a small wood boiler for use in the State, unless the [Department has issued a certification to the manufacturer that the small wood boiler, or the wood boiler model line to which it belongs, complies with the particulate matter emissions standards specified in §C(1) of this regulation] *U.S. EPA has issued a valid certificate of compliance that demonstrates the model line to which it belongs complies with the standards and requirements specified in 40 CFR §60.5474, as amended.*

[(b)] In order to obtain certification of a small wood boiler, the manufacturer of the wood boiler shall conduct an emissions test and provide the results in writing to the Department.

(c) The test for certification shall be performed in accordance with the test methods listed under §B of this regulation or any alternative method approved by the Department.

(d) Unless revoked by the Department, a certification issued remains valid for 5 years from the date of issuance.]

[D.] C. Requirements and Standards for Owners and Operators.

(1) A person owning or operating a small wood boiler may not operate or cause to be operated in the State a small wood boiler that does not comply with the emission standards in [§C(1)] §B(1) of this regulation.

(2) A person who owns or operates a small wood boiler shall use only the following as fuel when operating a small wood boiler in the State:

- (a) Clean wood;
- (b) Wood pellets made from clean wood; or
- (c) Other fuels approved by the Department.

(3) *Prohibited fuels.* A person [who owns or operates a small wood boiler may not burn or use for fuel any of the following items when operating a small wood boiler in the State] *shall not burn or use for fuel the following items in a small wood boiler:*

- (a) Any wood that does not meet the definition of clean wood;
- (b) Garbage;
- (c) Tires;
- (d) Lawn clippings or yard waste;
- (e) Materials containing plastic;
- (f) Materials containing rubber;
- (g) Waste petroleum products;
- (h) Paints or paint thinners;
- (i) Chemicals;
- (j) Glossy or colored paper;
- (k) Construction or demolition debris;
- (l) Plywood;
- (m) Particleboard;
- (n) Saltwater driftwood or other previously salt-water saturated materials;
- (o) Manure;
- (p) Animal carcasses;
- (q) Asphalt products;
- (r) Materials containing asbestos; [and]
- (s) Materials containing lead, mercury, or other heavy or toxic metals[.];

*(t) Materials that are not included in the warranty and owner's manual; and*

*(u) Materials that were not included in the certification tests for the unit.*

(4) Home heating oil, propane, or natural gas may be used only as a starter [or supplemental] fuel[s] for [dual-fired] dual fuel small wood boilers, as specified by the manufacturer.

(5) Prohibitions. Beginning May 1, 2018, a person may not operate a small wood boiler during the period of May 1 to September 30 of any year unless:

*(a) It has been certified through the U.S. EPA to comply with a particulate matter emission standard equal to or less than 0.32 pounds per million Btu heat output; and*

*(b) A permanent label is affixed to the unit in accordance with the provisions of §B(2) of this regulation.*

[E.] D. Enforcement. Persons subject to the provisions of this chapter shall comply with:

(1) All applicable State, county and local laws; and

(2) All operating instructions provided by the manufacturer[.], including, but not limited to;

*(a) Warranties;*

*(b) Owner's manuals; and*

*(c) Installation guides.*

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